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FAX INFORMATION SHEET

TO: Examiner Lien TM Ngo

DATE: May 3, 2005

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FROM: Michael Diaz

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MESSAGE: Please see attachment.

TOTAL NUMBER OF PAGES: 3 (INCLUDING THIS SHEET)

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FOR ACCOUNTING

ATTORNEY/CLIENT/MATTER NUMBERS: MD / 5011-0002A

**PATENT APPLICATION
DOCKET # 5011-0002A**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Hongbiao Li

Serial No.: 10/747,769

Filed: Dec. 29, 2003

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Group No.: 3727

Examiner: Lien M. Ngo

For: NON-SPILLABLE BEVERAGE CONTAINER AND STRAW

Commissioner for Patents
Washington, D.C. 20231

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on May 3, 2005 by Michael L. Diaz

Signature

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the restriction requirement of April 4, 2005, the period for response set to expire on May 4, 2005, the Applicant elects with traverse to continue prosecution of the invention II and species I. The Applicant further states that claims 3-7, 13, and 14 are readable on the elected invention.

The Applicant respectfully disagrees that Inventions I and II are unrelated. The Examiner stated that inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions or different effects. The Examiner also stated that in this case the different inventions are not capable of use together because the Invention II comprises closing means located in the cover; therefore the Invention II does not need the invention I as a straw with closing means in its orifice. However, the Applicant respectfully


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disagrees with this statement. In claim 3, there are two closing means claimed. The first closing means is for the vent opening *in the cover*. The second closing means is for the orifice *in the straw*. By having two closing means, the fluid in the container is prevented from passing through the straw by two closing means, thereby decreasing the risk of fluid leakage. By sucking on the straw, two things happen. First, the orifice in the straw is opened and secondly the vent opening is caused to opened. The sucking action on the straw causes two functions and are interdependent to allow the fluid to flow out of the interior of the container up through the straw to the user's mouth. Thus, the inventions I and II are capable of use together. The closeable straw improves the fluid closure function of the cover. Therefore, the Applicant respectfully requests the reconsideration of the restriction requirement.

Dated: 5-3-05

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Respectfully submitted,



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